

OFFICIAL

FAX RECEIVED

AUG 17 1999

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP 1600

In re application of: Portnoy et al

Group Art Unit: 1636

Serial No. 09/133,914

Examiner: Railey, J.

Filed: Aug 13, 1998

Attorney Docket No. B98-039

For: Intracellular Delivery Vehicles

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Assistant Commissioner of Patents, Washington, DC 20231 at (703) 308-4242 on August 17, 1999.

Signed

Richard Aron Ostrum

08/18/1999 HHORTON 00000004 190750 09133914

01 FC:203 117.00 CH

AMENDMENT

The Assistant Commissioner for Patents  
Washington, DC 20231

Dear Commissioner:

Thank you for the action mailed 7/21/99 Please enter the following amendments:

IN THE CLAIMS

1. (Amended) A nonvirulent bacterium comprising a first gene encoding a nonsecreted foreign functional cytotoxin operably linked to a heterologous promoter which expresses the cytotoxin in the bacterium, and a second gene encoding a different foreign agent.
2. (Unamended) The bacterium of claim 1, wherein the cytotoxin is absent a functional signal sequence.
3. (Unamended) The bacterium of claim 1, wherein the cytotoxin is listeriolysin.
4. (Unamended) The bacterium of claim 1, wherein the bacterium further comprises a third gene encoding an invasins and a fourth gene encoding an autolysin.
5. (Unamended) The bacterium of claim 1, wherein the bacterium is a laboratory strain of E. coli.